IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14519 of 2005

Between:

Dr. T.M.K. Gandhi, S/o. Ayyanna,
R/o. D.No. 4-69-17, Flat No.102, Soundarya Lahri Apts.,

L.B. Colony, Visakhapatnam.

..... PETITIONER

AND

1 The Andhra University, Rep. by its Registrar,
Waltair, Visakhapatnam.
2 The Deputy Registrar, Andhra University Campus,

Waltair, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, or any other appropriate writ, declaring the respondents proceedings No. S.III(3)/9358/99-2000, dt.26-2-2005 in retiring the petitioner at the age of 58 years as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and contrary to the provisions of A.P. Universities Act, 1991 and violative of Article 14 of the Constitution of India, and to declare the superannuation of the post of petitioner as Dy. Librarian working in the Andhra University as 60 years and to issue a consequential direction to the respondent University to continue till the petitioner attains the age of 60 years.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: DR.P.B.VIJAY KUMAR

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner, who is working as a Deputy Librarian in the first respondent-university, assailing the action of the first respondent dated 26-02-2005 proposing to retire the petitioner on attaining the age of 58 years on 31-07-2005.

2. According to the petitioner, the post of Deputy Librarian is to be equated to that of a teaching post and with reference to the teaching staff the age of superannuation is 60 years. Therefore, the petitioner is entitled to continue up to the age of 60 years.

3. At the time of hearing, it is represented by the learned counsel for both the parties that this issue was the subject matter of W.A.Nos.157 and 1607 of 1999 dated 18-09-2002, wherein this Court had an occasion to deal with the similar issue and held that the post of Librarian is to be equated to that of a Teacher, and therefore, the Librarians are entitled to continue up to the age of 60 years. The learned counsel also placed a copy of G.O.Ms.No.35 dated 16-06-2003 where the Government issued a clarification, as per which the Librarians working in the University are to be equated with that of the teaching staff.

4. Heard both sides and considered the material on record.

5. In view of the above, the petitioner is entitled to continue in service up to the age of 60 years. Therefore, the impugned order issued by the first respondent is quashed to that extent.

6. Accordingly, the writ petition is allowed. No order as to costs.

S.ANANDA REDDY, J

06th July, 2005

Note:

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Furnish C.C. within one week.

B/o.

SKM
That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this

Wednesday the Sixth of July Two thousand and Four.

REGISTRAR

To

1 The Registrar, Andhra University,
Waltair, Visakhapatnam.
2 The Deputy Registrar, Andhra University Campus,

Waltair, Visakhapatnam.

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